

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
:
-against- : **ORDER PRESENTING POST-**
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CLIVER ANTONIO ALCALA CORDONES, : **FATICO FACTUAL FINDINGS**
:
Defendant. :
:
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ALVIN K. HELLERSTEIN, U.S.D.J.:

After the *Fatico* hearing, having been held on February 27, 2024 and February 28, 2024, with respect to the accuracy of PSR paragraphs 10 and 13 through 19, and considering Defendant's objections, the Court finds the following to be accurate and orders that they replace the original findings in the PSR:

10. Cliver Alcala Cordones, with co-defendants, and in connection with FARC, facilitated the importation of cocaine into the United States through Venezuelan air and sea ports and through central and south America.

13. Alcala Cordones participated in the following to support the FARC:

14. In 2006, on the property of a large-scale drug trafficker located in Falcón, Venezuela, in Central-West Venezuela, police officers discovered thousands of kilograms of cocaine that had been loaded on trucks bearing military plates. All the trucks "were filled to their capacity" with bricks of cocaine. 81:21-82:2. Near the trucks, the police encountered Alcala Cordones, who identified himself by name, as well as other military commanders and well-known drug traffickers. When the police attempted to arrest Alcala Cordones, Alcala Cordones said that this was "an Army matter and asked why the ranch had been raided without orders, and he said that heads will roll." 85:18-19. Alcala Cordones also made several phone calls. Soon after, over 80 Venezuelan military personnel arrived, by vehicle and helicopter. He "was giving instructions to the military personnel who appeared at the site" and told them to remove the investigating police officers. 87:6-8. Subsequently, the military escorted the policemen back to police headquarters and

confiscated their radios, computers, and investigative files. The following day, the police unit that was involved in the confrontation was disbanded.

15. In 2006 or 2007, Walid Makled García (“Makled”), a large-scale narcotics trafficker allied with the FARC, sent drugs on planes from Valencia Airport in Venezuela to Mexico and Central America with the United States as the ultimate destination for the narcotics. Makled used two categories of planes: G-II planes, which could carry up to 3,000 kilograms of cocaine, and G-III planes, which could carry up to 3,500 kilograms of cocaine.

16. Alcala Cordones, as a general, controlled the Venezuelan National Guard stationed at the Valencia airport, and ensured “no one was left behind in the location of the battalion and it was left empty” when drug flights arrived and departed. Tr. at 25:18–22. Makled paid Alcala Cordones approximately \$150,000 for each plane that Makled flew out of the airport as protection against interference with drug loads. As just two examples, in early 2007, a G-II plane carrying approximately 1,500 kilograms of cocaine belonging to the Beltrán-Leyva Cartel in Mexico and 1,500 kilograms belonging to Makled and another drug trafficker, departed from the Valencia airport for Mexico with Alcala Cordones’ protection. As another example, in late 2007 or early 2008, a G-III plane loaded with 3,500 kilograms of cocaine departed from the Valencia airport for Mexico with Alcala Cordones’ protection. Makled paid Alcala Cordones \$150,000 in cash in an envelope in site at the airport in connection with each of those flights. In 2008, Makled landed a plane at the Valencia airport without notifying Alcala Cordones. Alcala Cordones ordered his soldiers to seize the empty plane before it could be loaded. Makled did not then again use the Valencia airport under Alacala Cordones’ supervision.

17. Strike. There was no testimony regarding the facts underlying the original paragraph.

18. In 2008, the Venezuelan National Guard stopped two cars transporting 500 kilograms of cocaine near the Venezuela side of the Colombia–Venezuela border. Before the officials began searching the cars, the drug traffickers responsible for the drug load called Carlos Orense Azocar (“Orense”), who said “I’m going to call General Cliver.” Tr. at 149:10–11. Shortly thereafter, Alcala Cordones called and spoke by phone with the National Guardsman who had stopped the cars. Soon thereafter, the two cars loaded with narcotics were permitted to pass.

19. In 2008 or 2009, at the direction of Orense, duffle bags filled with \$2 million USD in \$20 bills were provided to armed “people who worked for [Alcala Cordones] or with [Alcala Cordones]” in civilian clothing in an official vehicle with Venezuelan National Guard license plates, in order to pay off Alcala Cordones. Tr. at 143:2–3. Additionally, in 2009, a plane loaded with approximately 1,200 to 1,500 kilograms of cocaine was loaded on Orense’s personal airstrip in Apure, Venezuela. Prior to the plane departing for Guatemala, Orense informed others that Alcala Cordones’ subordinates would arrive at the airstrip shortly to provide security, but to “just let them guard the perimeter,” and to not “let them get too close to the plane.” Tr. at 150:17–21. Shortly thereafter, military officials arrived, and the plane took off without incident. The military officials were paid

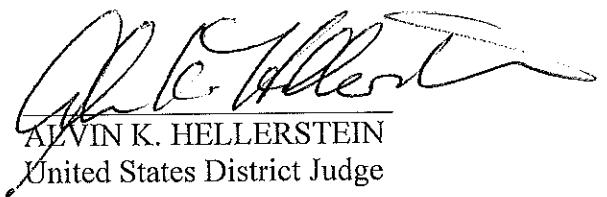
later, Orense informed a witness that Orense sourced cocaine from the Colombian guerillas, i.e., from the FARC.

Arguments with respect to the above findings can be made at the inception of the sentencing hearing, previously scheduled for April 8, 2024 at 10 a.m.

The following edits shall be made to the transcript at ECF No. 154: At 12:6, the transcript shall say “base level is 26.” At 13:4, 13:9, and 13:25, references to criminal history “IV” shall be changed to “VI.”

SO ORDERED.

Dated: April 4, 2024
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge